

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/504,813

Examiner

JONATHAN CREPEAU

Applicant(s)

GOTO ET AL.

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12 August 2011 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Jonathan Crepeau/
Primary Examiner, Art Unit 1725

Continuation of 4(e) Other: Changes to the claims have not been properly shown. It appears that the proposed amendments were made relative to the claim set of November 29, 2010, whereas they should be made relative to the claim set of April 7, 2011. Thus, limitations that were recited in the claims of April 2011 have been omitted from the present claim set, without showing the deletions. For example, the limitations in lines 15-17 of claim 7 filed in April 2011 regarding the nylon, aluminum and polypropylene have been omitted from the present claims, in addition to the the limitation regarding the "outer end of the wound electrode." Therefore, Applicant's argument that the Examiner's previous rejections were erroneous is not persuasive, as the language at issue was in fact present in the claim set of April 2011. Newly proposed claim 7 also omits "active material" after "positive electrode," which also raises a 112 issue that was previously resolved.

Furthermore, the above-referenced limitations directed to nylon, etc. were the basis for allowabilty of the claims and must be present in the new claim set.

Correction and proper marking of the amendments is required in response to this notice. Amendments must be shown relative to the April 2011 claim set, since the newly presented proposed claims have not been entered.